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FILED
MAR 17 2008
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff,	Magistrate Case No.: '08 MJ 8234
v.	COMPLAINT FOR VIOLATION OF
Jose Carlos Cienfuegos-GARCIA	21 U.S.C. § 952 and 960 Importation of a Controlled Substance (Felony)
Defendant.	

The undersigned complainant being duly sworn states:

That on or about March 14, 2008, within the Southern District of California, defendant Jose Carlos Cienfuegos-GARCIA did knowingly and intentionally import approximately 53.42 kilograms (117.80 pounds) of marijuana a Schedule I Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.

Special Agent Lance Swanson
U.S. Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 17th, DAY OF March 2008.

PETER C. LEWIS
UNITED STATES MAGISTRATE JUDGE

UNITED STATES OF AMERICA

v.

Jose Carlos Cienfuegos-GARCIA

PROBABLE CAUSE STATEMENT

I, Special Agent Lance Swanson, declare under penalty of perjury, the following is true and correct:

On March 14, 2008 at approximately 0610 hours, Jose Carlos Cienfuegos-GARCIA entered the United States at the Calexico, California, West Port of Entry. GARCIA was the sole occupant driver of a 2001 Hyundai Accent.

During the primary inspection Customs and Border Protection (CBP) Officer V. Fonseca received a negative Customs Declaration from GARCIA. GARCIA appeared nervous and stated the vehicle belonged to his brother-in-law. CBP Officer V. Fonseca noticed the vehicle only had one key, was very clean, and the glove compartment was empty. GARCIA and the vehicle were referred to secondary inspection.

In the vehicle secondary lot, CBP Officer E. Sabori received a negative Customs Declaration. GARCIA stated the vehicle belonged to his uncle and he was on his way to Santo Tomas. CBP Officer E. Sabori requested CBP K-9 Officer D. Alba screen the vehicle with his Narcotics Detection Dog (NDD).

CBP K-9 Officer D. Alba received an alert from his NDD on the dashboard and truck area of the vehicle.

Upon further inspection, CBP Officer E. Sabori discovered twenty-four (24) packages in dashboard and rear bumper of the vehicle. One of the packages was probed and a sample of a green leafy substance was obtained, which field tested positive for marijuana. The 24 packages had a combined net weight of approximately 53.42 kilograms (117.80 pounds).

GARCIA was placed under arrest and advised of his Constitutional Rights, which he acknowledged and waived, agreeing to answer questions. GARCIA stated to Special

Agent Swanson he was going to be paid $1,000.00 to smuggle marijuana into the United States.

Executed on 03/14/08 @ 1906 hrs

Lance Swanson
SPECIAL AGENT

One the basis of the facts presented in the probable cause statement consisting of 1 pages, I find probable cause to believe that the defendant named in this probable cause statement committed the offense on March 14, 2008 in violation of Title 21, United States Code, Sections 952 & 960.

United States Magistrate Judge

3/14/08 8:30pm.
Date/Time